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MEMORANDUM FOR:

FROM

:

Office of Legislative Counsel

SUBJECT

: S. 2236, Omnibus Terrorism Act of 1978

On reviewing the third draft of S. 2236, the Omnibus Terrorism Act of 1978, the Office of Legislative Counsel raised three issues.

The first issue was whether classified information should be reported to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, our oversight committees. According to the bill, classified information must be reported to the President of the Senate and the Speaker of the House. It was decided by the Office of Legislative Counsel that the reporting procedures were appropriate in this instant. However, since the bill provided no procedural safeguards for sources and methods, the Office of Legislative Counsel proposed the following amendatory language to section 104:

"When the disclosure of information required in section 104(a) would threaten the safety of an informant or confidential source or compromise a covert information gathering program or source of information, the information shall be reported instead to the Senate and House Intelligence Committees."

This language was not accepted by the Committee.

The second issue concerned the provision prohibiting anyone from carrying a concealed weapon aboard an aircraft. After checking with the Office of Security and the Office of Logistics, Mail and Courier Branch and closely examining the bill, Office of Legislative Counsel decided that this provision would present no problems for the Agency. The bill would merely codify existing procedures whereby CIA obtains permission from the head of FAA to allow our couriers to carry weapons while aboard an aircraft.

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The third issue regarding taggants presented problems because there was no exemptions for explosives used for military or national security purposes. Treasury Department proposed amendatory language reads as follows:

"(10) The requirements of paragraphs (1) through (6) of this subsection shall not apply to any explosive material designated by the President or the Secretary of Defense as an explosive material to be used by the Department of Defense or another agency of Government for national defense or security purposes. Any explosive material so designated shall be reported promptly to the Secretary of the Treasury."

SIGNED

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Office of Legislative Counsel

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